

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**Marvallous Keene,
Petitioner**

-vs-

Case No. 1:00-cv-421

**Betty Mitchell,
Respondent**

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Petitioner's objections to Magistrate Judge Merz's Report and Recommendation on his motion for a certificate of appealability (Doc. No. 117) are not well-taken and are **OVERRULED**; the Court **ADOPTS** Magistrate Judge Merz's Report and Recommendation on Petitioner's motion for certificate of appealability (Doc. No. 115); Petitioner's motion for a certificate of appealability (Doc. No. 114) is not well-taken and is **DENIED**. Additionally, Petitioner's objections to Magistrate Judge Merz's Report and Recommendation on Petitioner's motion for leave to file objections to the Supplemental Report and Recommendation (Doc. No. 119) are not well-taken and are **OVERRULED**; the Court **ADOPTS** Magistrate Judge Merz's Report and Recommendation on Petitioner's motion to file objections to the Supplemental Report and Recommendation instant (Doc. No. 118); Petitioner's motion to file objections to the Supplemental Report and Recommendation (Doc. No. 116) is not well-taken and is **DENIED**.

Date: November 23, 2005

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk